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New York

President: Mr. Kavan ..... (Czech Republic)

In the absence of the President, Mr. Mamba (Swaziland), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 25 ***(continued)***

Oceans and the law of the sea

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its third meeting (A/57/80)

(a) Oceans and the law of the sea

Report of the Secretary-General (A/57/57 and Add.1)

Draft resolution (A/57/L.48)

(b) Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments

Report of the Secretary-General (A/57/459)

Draft resolution (A/57/L.49)

(c) Agreement for the implementation of the Provisions of the United Nations Convention on the Law of Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Draft resolution (A/57/L.50)

The Acting President: The report on the work of the United Nations Open-ended Informal Consultative Process established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs at its third meeting has been circulated in document A/57/80.

I give the floor to the representative of Brazil to introduce draft resolution A/57/L.48.

Mr. de Moura (Brazil): I have the honour to introduce, under agenda item 25 (a), draft resolution A/57/L.48, entitled "Oceans and the law of the sea". I should like to announce that, since the publication of the draft, the following countries have become sponsors: Cyprus, Madagascar, Monaco, Namibia, Poland, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Sri Lanka, United States of America and Uruguay.

The representative of the United States will introduce the other draft resolutions submitted under the same item.

I would like to express my delegation's appreciation to all those who actively contributed to

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our negotiations and in particular to Mr. Julian Vassallo of Malta for acting as co-facilitator of the informal consultations. I would like also to thank Mrs. Annick de Marffy and her staff at the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for their highly professional assistance.

I would like to begin my introduction of the draft resolution by calling delegations' attention to one practical matter: the second preambular paragraph should be deleted.

The draft resolution and the debate today on the Secretary-General's report highlight the General Assembly's commitment to issues relating to oceans and the law of the sea. As set out in the preambular part of the draft and echoed in the outcome of the World Summit on Sustainable Development, there is an ever-increasing awareness of the importance of the oceans and seas for the earth's ecosystem. They play a crucial role in providing global food security, sustaining economic prosperity and ensuring the well-being of present and future generations. The draft recognizes the interrelatedness of all ocean issues and the need to address all aspects of the question in an integrated manner and therefore endorses the decision taken at Johannesburg to set up by 2004 a process for global reporting and assessment of the marine environment.

The draft touches on a number of problems of immediate importance, such as illegal, unregulated and unreported fishing; the degradation of the marine environment both from land-based sources and pollution from ships; and crimes at sea. It emphasizes the need for capacity-building and for the effective application of marine scientific knowledge and technology in dealing effectively with these problems.

The draft takes note of significant new developments towards the full establishment of the institutional framework foreseen by the Convention in setting up a system of global ocean governance. The most recent milestone was the entry into force last year of the 1995 Fish Stocks Agreement. The goal set at Johannesburg to put into effect the International Plan of Action for the Management of Fishing Capacity by 2005 is a welcome sign of the widespread support for immediate measures in this area. This and related fisheries issues are taken up in the two other resolutions before us today.

The omnibus draft resolution also welcomes a series of "firsts" that attest to the progressive consolidation of the legal regime envisaged in the Convention. In the case of the International Seabed Authority, the first examination by the Council of annual reports on prospecting and exploration for polymetallic nodules in the Area opens a vast new frontier for the regulated and rational use of valuable resources in a manner consistent with the equitable development of humankind's common heritage.

The presentation by the Russian Federation of the first submission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles paves the way for coastal States to exploit productively these resources and for the wider international community to share in the orderly development of the ocean's bounty.

Another first is the review of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which has just completed its first three-year cycle.

Drawing on the recommendations of this year's meeting, the draft resolution addresses two areas in particular. On the one hand, it underlines the importance of greater coordination among States to ensure the effective implementation of measures for the protection and preservation of the marine environment. The conclusions of the discussions last April helped ensure that ocean affairs figured prominently in the Johannesburg Plan of Implementation.

On the other hand, the draft also highlights the growing understanding of the need to focus on the cross-cutting issues at the centre of any effective and comprehensive policy. It recalls the crucial role of capacity-building, regional cooperation and integrated ocean management in achieving the wider goals set out in the Convention. Determining how regional cooperation and inter-agency coordination can enhance these linkages in a manner consistent with the objectives of the Convention is the fundamental purpose of the consultative process.

The draft resolution also covers a wide array of issues directly relevant to ocean affairs. It also recalls the important work of the International Tribunal for the Law of the Sea in promoting the rule of law. On maritime safety and security, emphasis is placed on adopting a common approach to enforcement, investigation and prevention. On the degradation of the

marine environment, the need for full implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities is recalled.

The draft resolution is the result of a largely consensual negotiating process that reflects broad-based acceptance of the Convention's role in promoting the rule of law, a contribution that goes beyond the confines of ocean affairs. In this spirit of understanding, I hope that the draft resolution can be adopted by consensus.

I should like now to make a few remarks on behalf of my own country. Brazil's views will be largely reflected in the statement to be delivered by Costa Rica, on behalf of the Rio Group. I would like, however, to refer to certain key issues.

The entry into force of the Convention eight years ago was a landmark of collective action. Yet the promise of the Convention and the effective implementation and regulation of the international legal framework to which it gave rise remains to be fully fulfilled. The uncontrolled and unsustainable exploitation of the oceans, including growing levels of overfishing, has led to the loss of biodiversity, territorial conflicts and the degradation of living marine resources.

Clearly there is growing understanding that problems of the oceans and the seas are interrelated and require a holistic approach. We therefore look forward to continued progress in generating a modern legal framework for regulating their use. In the case of fisheries, we welcome the entry into force of the 1995 Fish Stocks Agreement and its role, which is complementary to that of the Plan of Action of the Food and Agriculture Organization of the United Nations.

We believe that the consultative process, under the able leadership of the coordinators, has helped focus attention on the need for greater coordination. At the very least, it has brought together specialists and given greater visibility to issues requiring joint action.

The choice of areas of focus for next year's consultative process reflects the changing nature of our debate. Emphasis has moved to tackling more specific and concrete questions of immediate concern to all in an integrated manner. Hence, the theme of safety of navigation is complementary to that of the protection of the vulnerable marine environment. Brazil is pleased to see capacity-building figure prominently, in this case in the matter of the preparation of nautical charts. Capacity-building and the transfer of up-to-date technological resources not only are crucial for the safety of navigation, but provide the impetus for the indigenous development of marine science and technology and the establishment of comprehensive national programmes. It is essential that existing regional and global mechanisms be put into action in fostering international cooperation. Only thus will many countries, in particular developing countries, acquire the means to promote the sustainable exploitation of their marine resources.

Brazil's commitment to capacity-building is underscored by the five-day regional training course it hosted earlier this year in Rio de Janeiro on the delineation of the outer limits of the continental shelf beyond 200 nautical miles. It was developed as a result of the practical and technical experience acquired in preparing our own submission, which we hope to present to the Commission in the near future. As a result of the encouraging response to this year's course, Brazil is considering the possibility of hosting a second training course.

With regard to non-living marine resources, Brazil values the work of the International Seabed Authority. The recent issuance of contracts for prospecting and exploring for polymetallic nodules opens a new chapter in the sustainable development of ocean resources. We particularly appreciate the work done by the Legal and Technical Commission of the Authority in setting up the necessary environmental guidelines for future activities in the field of polymetallic sulphides and cobalt-rich crusts in the Area.

Today's debate is taking place at a very special moment. We are uniquely privileged to be undertaking our discussions against the backdrop of yesterday's commemorations of the twentieth anniversary of the opening for signature of the Convention. In the company of some of the illustrious founding fathers of the Convention, we were afforded a review of its historic accomplishments and a preview of the many challenges before us as we consider the next 20 years. The event provided a perspective on the past and encouragement for the future. Above all, it provided us with an opportunity to rededicate our countries and the

international community as a whole to the task and vision we set ourselves two decades ago.

The Acting President: I now give the floor to the United States of America to introduce draft resolutions A/57/L.49 and A/57/L.50.

Ms. West (United States of America): My delegation has the honour to sponsor the resolution entitled "Oceans and the law of the sea" that has just been introduced by Brazil. We also have the honour to introduce, on behalf of the sponsors, draft resolution A/57/L.49, concerning a number of fisheries issues, and draft resolution A/57/L.50, concerning the United Nations Fish Stocks Agreement. I am pleased to inform the Assembly that there are some additional sponsors of those fisheries draft resolutions. With regard to both draft resolutions, additional sponsors are Malta, Monaco, Saint Lucia, Saint Vincent and the Grenadines, Senegal and Sierra Leone. Uruguay is an additional sponsor of draft resolution A/57/L.50.

We commend those two draft resolutions for adoption by consensus. We see the draft resolutions before us today as a thoughtful and balanced assemblage of current oceans issues, drawn from the priorities and interests of Member States. The draft resolutions are not all-inclusive, but they represent consensus on ways to tackle many of the challenges we face in making the oceans safe and healthy environments for sustainable development.

The United States would like to express gratitude to all of the delegations that reviewed texts and concepts, offered suggestions and worked in a spirit of cooperation. We especially appreciate the assistance provided by other delegations to Colin McIff, the United States representative who coordinated negotiations on the two fisheries draft resolutions. We would also like to thank Marcel Biato of Brazil and Julian Vassallo of Malta for their skilful leadership of the discussions on draft resolution A/57/L.48, on oceans and the law of the sea. In addition, we acknowledge the Secretariat's Division for Ocean Affairs and the Law of the Sea for its dedicated work and support throughout the year. Along with New Zealand's Ambassador Don MacKay and his high-level committee, the Division organized yesterday's splendid events commemorating the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

The United States believes that ratifying and carrying out international fisheries management agreements is an important tool for protecting international fish stocks, promoting the sustainable use of living marine resources and providing food security. We are pleased that the importance of implementation and the means to build capacity for better management are emphasized in both of the draft resolutions on fisheries before us today.

A year ago, the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement) — a real milestone for international fisheries management and for the implementation of UNCLOS — entered into force. The United States believes that the Fish Stocks Agreement is a significant adjunct to UNCLOS. We urge all States to become parties to the Fish Stocks Agreement as well as to the Food and Agriculture Organization of the United Nations Agreement on High-Seas Fishing Vessel Compliance. We look forward to participating in the second informal consultation among States parties to the Fish Stocks Agreement. We are also pleased that next year, we can look forward to a single draft resolution on fisheries — a format that, we believe, will reflect and facilitate a more unified approach to fisheries issues at the United Nations.

This year included another international milestone: the successful World Summit on Sustainable Development. The Plan of Implementation agreed at the Summit is ambitious in its breadth of topics and its scope of activities. The United States welcomes the steps taken in the two draft resolutions on fisheries and the draft resolution on oceans that begin implementation of the Summit Plan.

The Plan calls on the world community to establish, by 2004, a regular United Nations process for global reporting and assessment of the state of the marine environment based on existing regional assessments. The draft resolution on oceans responds by taking the first step: requesting the Secretary-General — in close consultation with Member States and the relevant United Nations programmes and agencies — to present an implementing proposal to the next session of the General Assembly. The United States looks forward to consulting with the Secretariat on issues such as how to make the best use of the

existing expertise of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection, the most appropriate role for the Intergovernmental Oceanographic Commission and the convening of an intergovernmental meeting.

The Plan of Implementation calls on the world community to elaborate regional programmes of action and to improve links with strategic plans for the sustainable development of coastal and marine resources. The draft resolution on oceans similarly calls upon States to develop national, regional and international programmes aimed at halting the loss of marine biodiversity. The United States welcomes this emphasis on integrated, regional approaches to oceans issues.

In that context, we would like to bring to this body's attention the White Water to Blue Water oceans partnership initiative currently being planned for the Caribbean. White Water to Blue Water aims for an integrated approach to the management of freshwater watersheds and marine ecosystems. Its focus will be practical and results-driven. The initiative will strive to improve cooperation and capacity at the national and regional levels and to promote public-private partnerships between and among Governments, international organizations, non-governmental organizations and the private sector. White Water to Blue Water begins in the wider Caribbean region in 2003. We hope it might serve as a successful model for similar efforts in other regions of the world.

The draft resolution on oceans before us today continues the practice of informal United Nations consultations on oceans issues. We welcome that decision, look forward to future discussions and expect our collective experiences and ideas to continue to strengthen this body's understanding and consideration of critical oceans issues. As we explore topics that may not have been foreseen 20 years ago, we expect to be able to find solutions within the applicable juridical framework.

The United States also looks forward to collective efforts to establish an inter-agency coordination mechanism on oceans and coastal issues within the United Nations system. We support the goals that have been articulated for that mechanism — among others, transparency, effectiveness, responsiveness, inclusiveness, clarity of mandate, cooperativeness and liaison with regional organizations — and we realize that achieving those goals will require continued effort over time.

Before closing, it seems appropriate to refer to the many important areas currently addressed by the International Maritime Organization (IMO). With regard to matters ranging from ballast water and other threats to the marine environment to the suppression of unlawful acts against navigation to countering the threat of terrorism, the IMO is steadily facilitating global understandings and guidelines. The United States fully endorses the calls in the draft resolution on oceans to support various aspects of the work of the IMO.

Yesterday we had the good fortune to celebrate the twentieth anniversary of the completion of UNCLOS. As we conclude our deliberations on this year's draft resolutions on oceans and fisheries, we might ask ourselves what achievements we want to celebrate in the year 2022. Will we be able to bequeath to our children seas that are alive with fish? Will we better understand the impact of our oceans on the Earth's climate? Will we have in place national, regional and global practices that minimize the impacts of waste and pollutants on global oceans? Will we have achieved a fair and consistent balance among the multiple uses that we ask of our global seas?

It is a cliché to say that oceans issues are inherently global issues. Nonetheless, that basic tenet remains sound, and the Organization — this body — is one of the forums where we can work together on behalf of our oceans. The three draft resolutions before us today, which set out joint goals that we all can support and implement, are steps in the right direction.

Mr. Maniang (Sudan) (*spoke in Arabic*): It is my pleasure, on behalf of my country's delegation, to hail the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS). Yesterday's commemoration was an historic and grand occasion to emphasize the international aspect of this Convention, which bolsters the concepts that make our oceans and seas a common heritage. I take this opportunity to convey thanks and pay tribute to the Division for Ocean Affairs and the Law of the Sea, as well as the University of Virginia, all of which participated in this commemoration.

The international community, 20 years after the adoption of this Convention, is pinning great hopes on strengthening cooperation and solidarity in order to

create a safe maritime environment. This concept must be based on developing both natural and maritime resources, and putting an end to the degradation affecting the maritime environment. We must also protect ecologically and biologically sensitive areas, including marine areas and aquatic species. The need to develop human resources means that we must pass legislation to resolve the highly complex issues of oceans, in order to make rational use of the biological and biotic resources of the oceans in conformity with the rule of the law.

In spite of the growing number of signatories to the United Nations Convention on the Law of the Sea (UNCLOS), there is still a pressing need to make better use of various forums in order to encourage the participation of all in an effort to protect, preserve and manage the marine environment and resources and to implement norms and international standards as a practical way of establishing oversight and assessment mechanisms. In this regard, we must implement national capacity building to promote regional concepts and integrate regional management of oceans.

The Sudan would like to pay tribute to the Government of Norway for its generous support of the trust fund that was established for the Commission on the Limits of the Continental Shelf, in order to help developing countries, in particular the less developed countries and the small island countries, to prepare their data for submission to the Commission under article 76 of the United Nations Convention on the Law of the Sea (UNCLOS).

My country expressed during meetings of concerned parties its total support for the Commission's technical cooperation for the least developed countries to enable them to benefit from scientific research on natural resources and the marine environment and strengthen their economies and the standard of living of their people.

We must implement the provisions of the September 2002 resolution adopted by the World Summit on Sustainable Development (WSSD) in Johannesburg that focused on the importance of oceans and seas as fundamental components of the biosphere and as a means of promoting sustainable food security, particularly in the developing countries. The WSSD also focused on the need to cooperate and coordinate efforts with the Division for Ocean Affairs and the Law of the Sea. The WSSD also addressed the need to establish a transparent and effective mechanism for coordinating, on an inter-agency basis, issues related to oceans and coastal areas.

Such coordination, as well as the implementation of resolutions that strengthen international cooperation, will help strengthen the least developed countries, so they can benefit from international cooperation as a whole. These countries will also be able to participate in international scientific forums, in particular those relating to issues of marine technology.

Finally, we call on all donor nations and international financial institutions to continue to strengthen their programmes and technical assistance activities and to build the capacities of the least developed countries with regard to environmental protection, management of fisheries and sea stocks, sea security, marine security and the territorial waters. These are questions that require expertise at various levels.

Mr. Hasmy (Malaysia): Malaysia wishes to express its gratitude to the Secretary-General for his comprehensive report on oceans and the law of the sea, as contained in documents A/57/57 and Add.1. Malaysia is pleased to participate in the debate on this item, which marks the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Malaysia participated actively in the Third United Nations Conference on the Law of the Sea from 1973 to 1982. As a maritime nation and a coastal State on one of the busiest straits in the world, the Straits of Malacca, Malaysia takes particular interest in the legal regime governing oceans and seas. The UNCLOS is a document without precedence in history. Born of a marriage, or compromise, between prophecy and retrospection, this Convention has been rightly called a constitution for the oceans. Looking at it as a compromise will reveal its weaknesses, but looking at it as a marriage will give rise to encouragement and hope for the future.

The Convention introduced a number of highly innovative concepts and principles. Malaysia wishes to pay tribute to the originator of some of these principles, the late Ambassador Arvid Pardo, dubbed as the father of the new law of the sea. In 1967, Pardo contributed two seminal ideas; first, that the resources of deep-sea mining constitute the common heritage of mankind, and secondly, that all aspects of ocean space

are interrelated and should be treated as an integral whole.

The Convention must be considered as a process rather than a product. It is a process that requires regular consideration and evaluation to address the changing needs of developments relating to ocean affairs and the law of the sea. The Meetings of States Parties to UNCLOS, which to date have primarily dealt with budgetary and administrative matters, have a significant role to play in this regard. My delegation also welcomes the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS), established by General Assembly resolution 54/33 to facilitate the annual review of developments in ocean affairs by the General Assembly in an effective and constructive manner, and which has already had three sessions.

We believe that UNICPOLOS complements the role of the Meeting of States Parties in dealing with questions arising out of the implementation of the Convention. The Meeting of States Parties would not be competent to deal with questions that overlap or conflict between the Convention and regimes established elsewhere. Only the General Assembly with its universal membership can do so. This is where UNICPOLOS fits in, in that it facilitates discussion and decision-making on the matters referred to in the Secretary-General's annual report. Nevertheless, Malaysia is of the view that the roles of the Meeting of States Parties and UNICPOLOS can be merged, once the membership of the Convention becomes as universal as the membership of the General Assembly.

My delegation welcomes the progress in the work of the three institutions established by the Convention, namely, the International Seabed Authority (ISBA), the Commission on the Limits of the Continental Shelf (CLCS) and the International Tribunal for the Law of the Sea (ITLOS).

The International Seabed Authority has been concentrating on matters concerning prospecting and exploration for manganese nodules. We call on the Authority to consider placing other newly discovered resources — such as sulphides, genetic resources and methane hydrates — under the scope of its activities.

With regard to the Commission on the Limits of the Continental Shelf, Malaysia understands that, as a temporary institution conceived by the Convention, the Commission will cease its activities when all maritime boundaries have been declared. However, we wish to propose that the Commission continue to exist, in view of unexpected developments such as the emergence of new States. Malaysia is currently in the process of undertaking extensive surveys and evaluations of its continental shelf areas in order to be able to submit to the Commission the delineation of its continental shelf area within the next few years.

With regard to the International Tribunal for the Law of the Sea, we are pleased to note that it has dealt with 11 cases and delivered its judgements swiftly and competently, thereby building up its credibility. That fact has proven wrong the opinion that the Tribunal has no raison d'être.

My delegation supports the draft resolution contained in document A/57/L.49. We reiterate our support for a moratorium on large-scale drift-net fishing, and believe that it is in the common interest of the international community to prevent the depletion of fish stocks caused by such practices. Malaysia has taken several practical measures, including enforcement activities, to deal with that problem. One such measure is the implementation of a monitoring, control and surveillance scheme in our fisheries management programme to ensure that only authorized fishing vessels fish within the designated areas of Malaysia's exclusive economic zone and the exclusive economic zones of other countries. We are also employing the use of an experimental device, called a juvenile- and trash-excluder device, on trawl-net equipment.

The United Nations Agreement for the Implementation of the Provision of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which entered into force last year, is an important vehicle to ensure the long-term sustainability of fish stocks and their optimal utilization. Malaysia is currently studying the Agreement with a view to becoming a party. We hope that the necessary assistance will be made available to States requiring it, in order to ensure the effective conservation and management of straddling and highly migratory fish stocks. In addition, there should not be any duplication of programmes and activities by United Nations-related agencies for the conservation and management of straddling and highly migratory fish stocks.

Discussions on the environment and sustainable development would not be complete without reference to the oceans and the marine environment and its resources. Malaysia is of the view that all sources of marine environment degradation must be addressed — including land-based and seabed activities, the dumping of wastes, vessel-source pollution and pollution from, or through, the atmosphere. Previous initiatives, such as Agenda 21 and the outcome of the United Nations Conference on Environment and Development, have dealt with issues regarding ocean resources and the marine environment. Most recently, the World Summit on Sustainable Development also dealt extensively with sustainable development in the context of oceans and seas. Malaysia fully associates itself with those initiatives and will ensure that their aspirations are fulfilled.

However, we believe that it is timely for an appropriate mechanism to be created in order to provide the institutions established by those initiatives with an avenue to consider the interrelated problems of the oceans as a whole and to identify necessary issues, programmes and strategies. That would ensure that the governance of the oceans is not fragmented and would be in line with the progress made in the area of sustainable development.

We believe that the General Assembly itself is the appropriate mechanism to consider the interrelated problems of the oceans as a whole. Although, in a way, the United Nations Informal Consultative Process on the law of the sea has fulfilled that role, it lacks juridical, technical and economic functions. Malaysia therefore proposes that the Process be transformed from a mere process of consultation to an "ocean assembly" tasked with studying the development of ocean affairs under the framework of the United Nations Convention on the Law of the Sea, the United Nations Conference on Environment and Development and the World Summit on Sustainable Development. Its work would be undertaken against the backdrop of overall developments in all ocean issues. Such an assembly would be capable of becoming a forum for negotiation and would have a mandate to take decisions and direct agencies under the United Nations umbrella to perform certain tasks as required.

The international community has laboured very hard over many years to put in place a legal regime to govern matters involving oceans and seas. It must therefore be our common responsibility to guarantee that this international legal regime remains relevant and gains universal acceptance. In that regard, Malaysia encourages States that have not done so to become parties to the Convention. That will contribute towards the further development and consolidation of international law relating to the oceans and seas.

Mr. Kofod (Denmark): I have the honour to speak on behalf of the European Union (EU). The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus and Malta align themselves with this statement.

I would like to note that, for the sake of respecting time limits, my intervention will be a shorter version of the one being distributed in printed form. I invite delegations to refer to the longer version.

This year marks the commemoration of the first two decades of the life of the United Nations Convention on the Law of the Sea. Its entry into force, eight years ago, was of the greatest importance for the establishment of a comprehensive international legal framework for ocean governance. This was also the year of the holding in Johannesburg of the World Summit on Sustainable Development, 10 years after the Rio Summit. The European Union believes that the results of the Johannesburg Summit constitute a framework for actions to be taken in the following years and to be further developed and implemented by Member States and by the United Nations system and its organizations.

The agenda item entitled "Oceans and the law of the sea" underlines how oceans and the rule of law have become inseparable. While reaffirming rules of customary law and previous conventions, the Convention also gave birth to the new law of the sea and inspired important international agreements governing the oceans in numerous aspects, in particular with regard to the management of ocean resources and the protection of the marine environment. Given its comprehensive role in the legal regime governing the world's oceans, universal acceptance of the Convention and of all related agreements is highly important. It is also essential that all parties act in strict conformity with the Convention.

In that regard, the European Union remains concerned about declarations made by States that in

fact appear to be reservations excluding or modifying the legal effect of certain provisions of the Convention. As the Convention clearly states in article 309 that reservations may not be made, such declarations cannot have any legal effect. Furthermore, the European Union does not accept the implementation by States parties of national legislation that is not consistent with the Convention.

The EU welcomes the achievements of the World Summit on Sustainable Development (WSSD), which took place in Johannesburg in August and September this year. The Summit resulted in remarkably improved prospects for a more action-oriented implementation of Agenda 21, and in particular on its chapter 17 on the oceans. The EU contributed significantly to the outcome of the Summit and is determined to play an active role in the continued process. Among other things, through its international scientific cooperation in the Sixth Framework Programme for Research, the European Union will offer opportunities for research on marine protected areas in response to the WSSD decision to restore degraded aquatic ecosystems by 2015.

Since the United Nations Conference on Environment and Development in 1992 in Rio de Janeiro, new international legal instruments have been adopted. However, this legislation does not suffice to prevent existing problems from growing and new ones from arising. We still have too much pollution, overfishing and maritime safety problems, as well as rising crime rates and many other preoccupying issues. To some extent, this is due to the insufficient level of implementation and enforcement by States of international law already in existence.

The World Summit on Sustainable Development this year agreed on important decisions in connection with the oceans, such as the decision to establish an effective, transparent and regular inter-agency coordination mechanism on ocean and coastal issues within the United Nations system; the need to strengthen the Intergovernmental Oceanographic Commission as a focal point for research; the targets and timetables approved with respect to biodiversity; fish stocks; the establishment of a network of marine protected areas by 2012; and the establishment under the United Nations of a regular process of reporting and assessment of the state of the marine environment by 2004.

Still, one of the most preoccupying problems related to oceans and the seas has been and still is the deteriorating state of marine living resources, mainly due to overfishing. In the EU, we have taken several steps to achieve a better balance between the fluctuating marine fish resources and the fishing effort, the most important being the revision of the Common Fisheries Policy before the end of this year. We have taken some important steps towards a better management system and fleet and structure policy. We are also looking at our control and enforcement.

In some respects, too much money has been invested in the fishing fleet and it has resulted in overcapacity because there is less available fish to make investments profitable. It leads to violation of fishing rules and overexploitation of fish resources. Reducing global fishing overcapacity has to be solved. The EU wishes to reiterate its concerns on overfishing.

The EU is deeply concerned about the serious impact that incidents at sea have on the marine environment. In the case of the most recent incident of the wreck of the oil tanker *Prestige* off the coast of Spain and Portugal, we have seen yet more serious pollution caused by an old single-hull tanker. It is of the utmost importance that maritime safety policy be improved to reduce the risk of incidents, avoid the loss of human lives and prevent marine pollution. A number of important initiatives have been taken as a result of other serious incidents — for example, that of the *Erika*.

Nevertheless, the *Prestige* incident clearly shows that there is a need for further measures to pursue and improve maritime safety in order to reduce the risk of serious marine-based pollution. Maritime safety and pollution prevention are common goals that should go beyond national or regional differences. The EU therefore strongly supports the International Maritime Organization (IMO) as the prime regulator of maritime safety and the prevention of maritime pollution. The EU wishes to help identify weaknesses and gaps in the international regulations and their implementation and to address them in the appropriate forum. The same goes for the strengthening of the regulation of maritime security, where intensive negotiations are currently ongoing within the IMO.

As the General Assembly has noted with deep concern over the past years, the marine environment continues to degrade as a result of pollution by

dumping of hazardous waste. The entry into force of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter should not be delayed. The EU urges all States to ratify the 1996 Protocol so that it can replace the 1973 Convention as the sole international global regime regulating the dumping of waste at sea.

Concrete results in marine scientific research will depend highly on capacity-building at both the national and regional levels and on the transfer of technology. In the EU, we will encourage better cooperation and coordination of marine scientific research in fisheries and environment. Current efforts to strengthen capacity-building should be continued and kept under review in order to ensure that emerging problems and priorities are addressed. Furthermore, we need to elaborate better coordinated data-collecting systems. Improved data will improve our understanding of how marine ecosystems function and help us to manage them better.

Piracy and armed robbery have been on the international agenda for many years now. The considerable number of incidents has caused serious international concern and many actions have been taken over the years to deal with this problem. The crimes of piracy and armed robbery are indeed a serious threat to seafarers and international commercial shipping that requires continuous focus and new efforts from States and international organizations.

One of the recent initiatives in the efforts to combat piracy was the EU/Association of South-East Asian Nations Experts Meeting on Maritime Security in Manila in February 2002. The result of the meeting was a number of constructive proposals for further international and regional cooperation.

The ability of States to make effective responses to the many challenges in ocean affairs is substantially enhanced when regional cooperation arrangements are in place. At the global level, the International Maritime Organization needs to continue to play the leading role and should remain the forum for developing effective responses to incidents of piracy and armed robbery. The EU welcomes the actions undertaken so far by the IMO, such as the development of a code of practice for investigations and the preparation of amendments to the International Convention for the Safety of Life at Sea, adding special measures to enhance maritime security, and encourages the IMO to continue its work. The EU urges States to support the efforts of the IMO, as well as corresponding initiatives in other organizations, such as the International Labour Organization and the World Customs Organization.

Several episodes of international terrorism have outraged the international community and shown the terrorists' incomprehensible contempt for human life. International terrorism is on the international agenda when it comes to maritime security as well, and the international community has shown its will to combat terrorism. The IMO has once again proved itself to be an effective United Nations organization and the amendments to enhance maritime security are expected to be adopted as soon as December this year. The EU strongly supports these international initiatives on maritime security.

Several incidents involving the rescue of illegal migrants in distress at sea underline the necessity of finding more binding and enforceable solutions. This is indeed a topic that raises concern and needs urgently to be dealt with by the international community. Apart from the human tragedy involved, which can affect any region in the world, the growing number of persons found in distress at sea raises a wide range of political and legal questions pertaining, inter alia, to the Convention on the Law of the Sea and the 1974 International Convention for the Safety of Life at Sea. This difficult issue, which involves various levels of competences, should be addressed in a comprehensive and serene manner with the aim of finding adequate international long-term solutions.

The EU, recognizing the work being done by both the IMO and the Office of the United Nations High Commissioner for Refugees, therefore calls for strengthened international cooperation, which should be focused on providing information in order to prevent persons from undertaking hazardous journeys by sea, on preventing shipowners and masters from illegally transporting migrants by sea, and on developing and harmonizing procedures to deliver persons in distress at sea quickly to a place of safety. In this regard, a possible debate on the latter issue at a future session of the Informal Consultative Process on oceans might be helpful.

The complexity of the international regime of the oceans and seas is enormous. International coordination and cooperation is becoming even more imperative to ensure implementation of all existing

norms in a coherent manner and to assess the needs for future action at the national, regional, interregional and global levels. The General Assembly, conscious of the close relationships among ocean aspects, recognized this by creating an informal process to discuss ocean matters in an integrated way, based on the Convention and Agenda 21, and to suggest particular issues to be considered by the Assembly.

The Informal Consultative Process on oceans, which held its third meeting from 8 to 15 April 2002, has again very satisfactorily fulfilled its mandate by providing substantial input for a better understanding of oceans and highlighting issues for common action. The EU welcomes the decision to be taken by this plenary to continue the Consultative Process for another three years, in accordance with resolution 54/33 and looks forward to participating actively at its meeting next year. We welcome a stronger focus by the Consultative Process on concrete and practical issues, including developments on issues discussed at previous meetings.

The EU had expected the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination to play a major role for the improvement of inter-agency coordination and cross-sectoral cooperation on ocean affairs within the United Nations system. We have learned from the report of the Secretary-General, however, that the Subcommittee has been dissolved.

We believe that more constructive thinking ought to be given to improved inter-agency cooperation and coordination within the existing United Nations system, without letting the process become institutionalized or bureaucratized. The draft resolution to be adopted invites the Secretary-General to establish within the United Nations system an effective, transparent and regular inter-agency coordination mechanism on ocean and coastal issues. We look forward to seeing constructive developments in this regard.

Finally, I would like to thank the Secretary-General and the Secretariat, in particular the Division for Ocean Affairs and the Law of the Sea, for this comprehensive and valuable report on oceans and the law of the sea. The report traditionally serves as a basis for the debate in the General Assembly and also for the discussion within the framework of the Informal Consultative Process on oceans. In this context, the EU underlines the importance of the input to the report on oceans and the law of the sea, provided by intergovernmental organizations, specialized agencies and funds and programmes of the United Nations engaged in ocean affairs.

Mr. Szekely (Mexico) (*spoke in Spanish*): Sir, allow me to begin by expressing my thanks, on behalf of my delegation, for the introduction by the Coordinators of each of the draft resolutions relating to agenda item 25 (a), (b) and (c). Our thanks also go to the Secretary-General for the preparation and presentation of his reports, which give a general overview of developments related to oceans and the law of the sea and provide vital elements for discussion and negotiation in the Informal Consultative Process.

At the same time, my delegation supports the statement that will be made by the representative of Costa Rica on behalf of the Rio Group.

At the time, the Convention's opening for signature marked the culmination of the spirit of cooperation that had been necessary for the establishment of a legal regime for the oceans. Those who had the privilege of participating in the negotiations at the Third United Nations Conference on the Law of the Sea witnessed the building up of a regime that continues to pose challenges for the international community and which has eliminated the obstacles that were hindering close and more efficient cooperation among nations.

This was the case, for example, of the establishment of the exclusive economic zone. As our most distinguished representative, Ambassador Jorge Castañeda, stated, the concept of what was then called the patrimonial sea represented not only a middle ground but also the concept that best reconciled the interests and needs of the coastal State and the international community, and as a result, became the focus of convergence among the positions represented at the Conference. Ambassador Castañeda himself, in what he described as a calculated risk that the Convention would be adopted successfully, succeeded in 1975 and 1976 in having Mexico introduce a number of constitutional reforms, as well as specific domestic legislation, establishing a Mexican exclusive economic zone with the same shape and scope that would subsequently be recognized by the Convention a few years later.

Twenty years after the opening for signature of the Convention, our country reaffirms the validity of the legal regime for the oceans and pays tribute to those, such as Ambassador Castañeda, who made a key contribution to the success of the regime. For this reason, the Mexican Government is presenting to the General Assembly a reissue of one of the most representative written contributions of Ambassador Castañeda, which reflects the role that our country decided to play in consolidating contemporary maritime law. We also take pride in recalling other Mexican contributions, such as those for which Ambassador Antonio Gomez Robledo was responsible, concerning good faith and abusive law, which are reflected in article 300 of the Convention.

With respect to the provisions of Part XV, in the area of peaceful settlement of disputes, I am pleased to inform the General Assembly that Mexico will shortly be making a statement concerning its choice of means, as provided for in article 287 of the Convention. That declaration will reaffirm my Government's trust in the institutions created 20 years ago, such as the International Tribunal for the Law of the Sea. At the same time it will recognize the important role that the International Court of Justice has played in the development of contemporary maritime law.

Likewise, in this context, my country's Government has decided to nominate arbiters, conciliators and experts, pursuant to annexes V, VII and VIII of the Convention. In this way, Mexico is heeding the appeal made by this General Assembly in the current draft resolution on oceans and law of the sea, as well as in the one on prevention and peaceful settlement of disputes adopted in the Sixth Committee at this session.

The universal nature of the Convention has always been, in Mexico's view, a fundamental prerequisite for the success of the maritime regime. Today the universality of the maritime regime is a reality, with just a few exceptions. For this reason, mindful of our responsibility in promoting that universality, and in response to the resolutions on oceans and the law of the sea, including the current draft, I am gratified to inform this Assembly that my country's Executive branch recently sent to the Senate of the Republic for approval the Agreement on Part XI. For this reason, I can state with certainty that very shortly Mexico will be in a position to deposit the appropriate instrument and thus participate more actively and with greater commitment in the work of the International Seabed Authority.

The role of the Authority needs to be broadly recognized and supported. For this reason, we welcome the initiatives designed to establish a normative framework for exploration and exploitation of ferrous-manganese sulfides and cobalt-rich crusts. In this regard, Mexico will continue to participate actively in the seabed regime, with the full conviction that the Authority, pursuant to its mandate, will be able to safeguard the interests of the international community and individual countries, whether the matter be economic or on questions of protection of the marine environment in the light of activities in the area.

Although much has been achieved over the past 20 years, the marine regime established by the Convention still poses significant challenges concerning the protection of the marine environment, access to living resources, capacity-building, coordination and cooperation and sustainable development. Other concerns to which my country attaches particular importance relate to the protection and the conservation of living marine resources. Those include the need to review the regime concerning the conservation of cetaceans in order to equip ourselves with mechanisms that effectively bolster the protection of those marine mammals. In that regard, we think that it is appropriate to draw up proposals that assist in accommodating that need.

The Mexican delegation welcomes the current draft resolution on oceans and the law of the sea (A/57/L.48), which reflects the challenges and needs confronting us. For my country, it is essential that all joint efforts aimed at sustainable development focus duly on the protection of fragile and vulnerable ecosystems established in article 194, paragraph 5, of the Convention. That applies to the protection of coral reefs and their ecosystems, which have been affected by physical impacts of vessels and pollution. This is indicated in the current draft resolution when it makes reference to decision VI/3 of the Conference of the Parties to the recently adopted Convention on Biological Diversity.

International cooperation is essential to prevent adverse effects as well as to care for and restore those ecosystems. Assistance to improve hydrographic capacities and to ensure the effective drafting of nautical charts is key not only for the protection of the

marine environment, but also in order to ensure navigational safety. In that regard, my country recently became a full-fledged member of the International Hydrographic Organization, with which we hope to have much closer cooperation.

As to navigation safety, the delegation of Mexico attaches importance to the fact that the draft resolution takes note of the problem of trafficking in migrants, and that it does so in a way that is in keeping with the provisions of the Protocol on that subject to the United Nations Convention against Transnational Organized Crime.

The Government of Mexico also wishes to place on record and convey its appreciation to the Division for Ocean Affairs and the Law of the Sea. We are pleased, therefore, that the draft resolution recognizes the role of the Division in the area of cooperation and coordination, as well as with respect to technical assistance to States, specifically relating to matters regarding the establishment of geographical data and the delimitation of maritime zones.

The Mexican delegation welcomes the decision of the General Assembly to extend the life of the Consultative Process, which has contributed to improving and articulating the debate on the areas in which enhanced inter-institutional coordination are needed, in a climate of open participation.

As far as my country is concerned, the deliberations of the next session of the Consultative Process will be extremely important. As I mentioned earlier, one of the most significant concerns that we have relates to the protection of vulnerable ecosystems, which, again, applies to the physical impact of the collisions of vessels against coral reefs, a problem of great concern to us.

A priority issue for the Government of Mexico is regional cooperation for the integrated management of the oceans and, above all, for the effective implementation of the Convention, particularly in the area of establishing geographical data and maritime delimitation. As members will recall, at my country's initiative, the first plenary meeting of the Caribbean Conference on Maritime Delimitation was held in May 2002, in which representatives from 24 countries and 4 international organizations participated, including the United Nations, through the Division for Ocean Affairs and the Law of the Sea. On that occasion, the participants adopted the rules of procedure of the Conference and decided to establish the Register of Delimitation Negotiations, as well as the Assistance Fund, whereby participants will be able to secure the necessary technical advice to make progress in their delimitation negotiations. Likewise, at the first plenary meeting, the first delimitation negotiation between Belize and Mexico was inscribed in the Register of the Conference.

The Caribbean Conference seeks to be a technical forum to facilitate, principally through technical assistance, the convening of voluntary delimitation negotiations, on the basis of full independence of the parties and autonomy in the negotiations. Thus, the decision was made to create an assistance fund, motivated by the need for mechanisms to which parties to a negotiation could have free recourse in order to secure the necessary technical advice for a maritime delimitation.

Thanks to the Secretariat of this Organization, the fund in question was recently set up. The delegation of Mexico once again expresses its appreciation to the Division for Ocean Affairs and the Law of the Sea and the Department of Economic and Social Affairs for their roles in establishing that Fund. I wish also to inform the General Assembly that, as announced, the Government of Mexico has made its contribution of $50,000 to the Conference Fund. Thus, I am gratified to say that the Fund is now operational.

Mexico is convinced that the Convention lays the basic legal foundation within which all activities on the oceans and seas should be carried out, including those relating to the protection and sustainable development of fishing resources.

Growing pressure on marine resources, including the increase in pelagic high seas fishing operations, together with the growing food needs of the world population, have made it necessary once again to ensure enhanced cooperation of the international community in order to regulate fishing activities in a sustainable way. For that reason, we welcome the outcomes of the World Summit on Sustainable Development.

In spite of that, and although the draft resolution on the 1995 Agreement reaffirms the outcomes of the Summit, particularly those relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, we should not neglect the fact that paragraph 31 (e) of the Plan of Implementation can

be interpreted only in the light of the relevant provisions of the Law of the Sea Convention.

In conclusion, I wish to reaffirm Mexico's commitment to the principles and values promoted by the Convention. Without doubt, its existence has helped build a space of peace, development and cooperation, which will continue to be key to enhancing our ties of friendship.

Mr. Nguyen Thanh Chau (Viet Nam): This year marks the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. This special occasion has provided us with a precious opportunity to review and evaluate the implementation of the Convention, as well as the developments relating to ocean affairs over the past 20 years.

There is no doubt that the opening for signature of the 1982 Convention is a great landmark in the process of codification and progressive development of international law as a whole, and the law of the sea in particular. As a comprehensive code of rules and principles governing all activities at sea, the Convention has enjoyed, and continues to enjoy, strong support from the world community. This is evidenced by the fact that a large number of States — 138 — are now contracting parties to the Convention. But more important is the fact that the provisions of the Convention are now being incorporated into the national legislation of many States and becoming norms of customary law.

We have also witnessed another meaningful outcome of the implementation of the 1982 Convention, namely the creation and operation of the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf. These bodies have recorded initial but quite encouraging achievements. While we welcome these positive developments, we deem it necessary to stress that the world community must enhance its efforts to implement the Convention, whose integrity must be maintained.

Viet Nam has always attached great importance to the progressive development of the law of the sea. It therefore fully supports the 1982 United Nations Convention on the Law of the Sea. Viet Nam welcomes the progress that has been made in the work of the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf. In particular, we deeply appreciate the recent decision by the States parties to the 1982 Convention to extend the time frame for States that became parties to the Convention before 13 May 1999 to submit data delineating the outer limit of their continental shelf. This solution is very helpful for those States that are facing difficulties in complying with the time limits due to a lack of technical expertise and resources. Viet Nam is in favour of encouraging all Member States and the relevant international organizations and institutions to assist developing States in the preparation of submissions.

Guided by the provisions of the Convention, over the last few years Viet Nam has adopted 12 new ordinances and decrees relating to maritime activities, with a view to further harmonizing our national legislation with the international law of the sea. Our country has also successfully concluded agreements on maritime delimitation with certain neighbouring countries on the basis of the 1982 Convention.

With regard to the situation in the South China Sea, we share the view of all parties involved that all disputes must be settled by peaceful means, through negotiations in a spirit of equality, mutual understanding and strict respect for international law, especially the United Nations Convention on the Law of the Sea. In that context, we take note with satisfaction of the signing — at the eighth Summit of the Association of South-East Asian Nations (ASEAN), held in Phnom Penh, Cambodia — by the ASEAN countries and China of a Declaration on the Conduct of Parties in the South China Sea. This is a positive step towards building a code of conduct in the South China Sea, as agreed by the ASEAN leaders and China at the sixth ASEAN Summit in Hanoi in December 1998, thus paving the way for a fundamental and durable solution to the disputes concerning the South China Sea.

I wish to conclude my statement by expressing our sincere thanks to the Secretary-General for his comprehensive reports on matters relating to the law of the sea and ocean affairs. Our appreciation also goes to the high-level committee of Ambassadors and to the Division for Ocean Affairs and the Law of the Sea for their contributions to preparations for the commemorative meeting. On this occasion, my delegation wishes to reiterate Viet Nam's willingness to cooperate in the effective implementation of the

1982 United Nations Convention on the Law of the Sea, in a spirit of mutual understanding and cooperation, as enshrined in the Convention.

Ms. Todrova (Bulgaria): Today we are celebrating an important international event of global dimensions. The adoption of the United Nations Convention on the Law of the Sea and its opening for signature 20 years ago are among the most significant achievements in the process of the establishment of a new international legal order relating to the seas and oceans.

The process leading to the adoption of the Convention was a unique law-making experience that has resulted in the enactment of a comprehensive framework of rules determining the legal status of all maritime spaces and the legal regime governing all major maritime activities. In addition, the Convention provides for a developed system of procedural and related institutional rules for the settlement of international disputes arising from the implementation or interpretation of the Convention. As has been pointed out, the settlement of disputes is a linchpin of the Convention. We believe that these three components of the Convention constitute the foundation of a legal order for the seas and oceans, for the equitable and efficient utilization of their resources, for the conservation of their living resources, and for the study, protection and preservation of the marine environment, as set out in the preamble to the Convention.

We would like to suggest that, given the very interesting and thought-provoking discussions which took place during the informal panels, the deliberations and proposals advanced therein should be followed up as early as possible. In this connection, my delegation is of the view that an appropriate occasion might be the tenth anniversary of the entry into force of the Convention, in 2004. Of course, in this case the commemoration should not be considered as the primary motivation.

We believe that emphasis should be placed on finding ways and means to ensure compliance with and enforcement of rules, regulations and established standards. The primary mechanism for enforcement should be supplied by special agreements deriving from the provisions of the Convention. At the same time, this should not be ruled out beforehand by use of the pertinent provisions of the amendment procedures, particularly articles 312 and 313 of the Convention.

We acknowledge in principle that the parties to the Convention have been confronted with important challenges, due to technological and other developments relating to the new duties of States, in particular port States beyond the purview of article 218 of the Convention. This may require that the powers and functions of port States be enhanced, with some improvements made to the existing text through amendments agreed upon by consensus.

I would also like to join those speakers who highlighted the significance of the Convention for the maintenance of peace and the strengthening of international security, as well as the sustainable development of the oceans. In this connection, we consider that the need to prevent and suppress crimes at sea, such as piracy, armed robbery, illicit trafficking in narcotic drugs, the dumping of hazardous wastes and the smuggling of migrants and stowaways are among the priority issues.

In conclusion, I should like to express our appreciation to the organizers of this gathering, in particular the Division for Ocean Affairs and the Law of the Sea and the panellists and experts who presented valuable scientific information on novel marine biological and geological data. The general overview of the main features of the Convention has provided convincing evidence of the significant impact of the Convention at three important levels, namely, the modern law of the sea and general international law as its component, international jurisprudence and national legislation in maritime affairs.

We would also like to emphasize the paramount importance of the accession of major maritime States and other States Members of the United Nations, in order to attain the complete universality of the Convention. In our view, such universal participation in the Convention is a prerequisite for the efficient role of the Convention as the constitution of the oceans and a viable legal foundation for global and regional cooperation.

Mr. de Rivero (Peru) (*spoke in Spanish*): The process leading to the adoption of the United Nations Convention on the Law of the Sea was an ambitious undertaking. More than 14 years elapsed before that process culminated at Montego Bay on 10 December 1992. That was, without question, the outcome of an

enormous and complex negotiating exercise in which many eminent personalities from our countries participated. In this regard, my delegation would like to associate itself with the tribute paid to Ambassador Arvid Pardo, who convinced the world that the seabed should be the common heritage of humankind.

To that concept — which was very advanced at that time, but which is now accepted not only for the seabed but for other areas on land — was later added the notion of the legitimate right of coastal States to benefit from the natural resources adjacent to their coasts. That concept subsequently took shape in the regulations of the exclusive economic zone, for which Part V of the Convention makes extensive provision.

From the outset, Peru was at the forefront of promoting a new law of the sea, and with other South Pacific and Latin American countries we put forward the concept of a 200-mile limit to ensure that the resources thereby defined could be conserved, developed and used in the interests of the livelihood and economic well-being of their peoples, while recognizing the right of innocent passage through such zones for the vessels of all nations.

That idea of a 200-mile boundary concept gained ground thanks to the tireless and persuasive efforts of Peruvian diplomacy, in particular the late Ambassador of Peru, Alfonso Arias Schreiber — one of the great champions of the 200-mile concept. The active work of persuasion carried out by Ambassador Arias Schreiber was not confined solely to the negotiating rooms in this complex, but involved wide-ranging travel to a number of countries on all continents, with the aim of promoting the 200-mile concept, which is now broadly accepted. Even though Peru is not yet a party to the United Nations Convention on the Law of the Sea, our country has recognized the basic rules and principles of that international instrument in its domestic legislation, in particular with respect to the protection and conservation of living marine resources. The General Fisheries Act, for example, adopted on 21 December 1992, was inspired by the provisions of the Convention. Furthermore, our national legislation governing the regulation of fishing, allowable catch, seasons and zones, as well as other rules for the preservation and exploitation of such resources, are all compatible with the Convention.

Peruvian legislation also stipulates, in keeping with the provisions of the Convention on the Law of the Sea, that fishing activities by foreign flag vessels are supplementary or complementary. In other words, it is the coastal State only that can determine the allowable catch and authorize foreign vessels to engage in fishing operations on the basis of the balance of the allowable catch not taken by the country's own fishing fleet.

Finally, our country complies with the regime established by the Convention concerning freedom of navigation for foreign vessels through waters subject to national jurisdiction.

In the course of consideration of this issue during the previous session, Peru, in explanation of vote, noted that in May 2001 the executive branch had officially presented our Congress with a draft law for Peru's accession to the Convention on the Law of the Sea. The care and thoroughness with which this issue is being studied by our law-makers means that it is not possible for us to deposit, on this commemorative occasion, Peru's instrument of accession to the Convention, as we would have liked. I would, however, like to take this opportunity to announce that, as a clear signal of Peru's favourable approach to the Convention, I have received instructions from my Government to change the vote that my country has cast in the past on the draft resolution on oceans and the law of the sea from one of abstention to a vote in favour.

We hope to accede to the Convention on the Law of the Sea. In the meantime, my country expresses its respect for the principles of conservation, sustainable development, technical cooperation and peaceful use of the oceans embodied the United Nations Convention on the Law of the Sea.

Mr. Mathiesen (Iceland): At the outset, I would like to commend the Secretariat — in particular the very able staff of the Division for Ocean Affairs and the Law of the Sea — for the comprehensive reports on oceans and the law of the sea and on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments (A/57/57 and Add.1, A/57/459). I would also like to acknowledge the professional manner in which the coordinators, Mr. Colin McIff and Mr. Marcel Biato, conducted the informal consultations on the three draft resolutions before the Assembly in documents A/57/L.48, L.49 and L.50.

It is highly appropriate today, on the twentieth anniversary of its opening for signature, to recall the United Nations Convention on the Law of the Sea, which provides the legal framework for all of our deliberations on oceans and the law of the sea. The Convention, which is undoubtedly one of the greatest achievements in the history of the United Nations, is the first and only comprehensive treaty in the field of the law of the sea. It contains both codified rules of customary law and a number of innovations, covering all uses not only of oceans and seas but also of their superjacent airspace and subjacent seabed and subsoil.

Under the leadership of the late Hans G. Andersen, Iceland played an important role in the evolution of the law of the sea in the second half of the past century, including at the Third United Nations Conference on the Law of the Sea. Ever since, Iceland has been a strong proponent of the Convention on the Law of the Sea, and it was the first Western country to ratify the Convention, in 1985.

It is imperative that the Convention be fully implemented and that its integrity be preserved. Issues that were settled at the Conference on the Law of the Sea should not be reopened. In that respect, it needs to be borne in mind that the conclusions of the Conference were regarded as a package deal, with individual States prevailing in some areas but having to yield in others.

As we commemorate the twentieth anniversary of the Convention on the Law of the Sea, we note with satisfaction that the three institutions established under the Convention are functioning well. The International Tribunal for the Law of the Sea has already adjudicated a number of disputes in this field. The International Seabed Authority is actively preparing for future exploitation of resources on the seabed in the international area. The Commission on the Limits of the Continental Shelf has received the first submission from a coastal State regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. Iceland has begun preparation of its submission to the Commission and is following its work with special interest.

In that context, I am pleased to announce that the Law of the Sea Institute of Iceland and the Center for Oceans Law and Policy at the University of Virginia will co-host a conference on legal and scientific aspects of continental shelf limits, to be held at Reykjavik on 25 to 27 June next year. In that way, we hope to contribute to the understanding of article 76 of the Convention and thus to facilitate the preparation of submissions to the Commission by coastal States.

We welcome the entry into force last year of the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Agreement is of paramount importance, as it strengthens considerably the framework for conservation and management of those stocks by regional fisheries management organizations. The provisions of the Agreement in many ways strengthen the relevant provisions of the Convention on the Law of the Sea, and some of the provisions represent a development of international law in that area. However, the effectiveness of the Agreement depends on its wide ratification and implementation, and we encourage those States that have not yet ratified the Agreement to do so.

The oceans are of particular importance to Iceland, as our economy is based on the sustainable harvesting of living marine resources. The health of the oceans and their responsible stewardship are therefore of critical importance to Iceland. Thus, we welcome the fact that, in recent years, the General Assembly has devoted increasing attention to the oceans.

At its fifty-fourth session, the General Assembly established for three years an Open-ended Informal Consultative Process to discuss the reports of the Secretary-General on the oceans and the law of the sea, to prepare for the annual debates of the General Assembly on oceans and the law of the sea, and to improve coordination and cooperation in that area. We are pleased with the work of the Informal Consultative Process in this initial period, and we would like to thank the two co-Chairmen, Ambassador Neroni Slade and Mr. Alan Simcock, for their valuable contributions. We welcome the continuation of the Consultative Process for the next three years on the same informal basis. The current decision to include "the law of the sea" in the title of the Process underlines that, in all our deliberations on ocean affairs, we must respect the legal framework.

It is the view of the Government of Iceland that discussion in the General Assembly on ocean affairs

should focus on specific issues that have global implications, not on issues that fall under the purview of the sovereign rights of States or that are adequately addressed at the regional level. The General Assembly should address issues that are global in nature and that can be solved only through global cooperation. Thus, we should discuss marine pollution, which respects no boundaries and must therefore be met with global action. We should also discuss what is needed to set a level playing field for the fisheries sector that encourages sustainable fisheries globally, such as the need to remove fisheries subsidies. Further examples can be identified. On the other hand, conservation and sustainable utilization of living marine resources are local and regional matters. Therefore, we cannot accept opening the door to global micro-management of fisheries that are subject to the sovereign rights of States or are under the responsibility of regional fisheries management organizations.

Under the Convention on the Law of the Sea, States have a general obligation to protect and preserve the marine environment. That calls for effective cooperation among States. Article 200 of the Convention calls for active participation in regional and global programmes to acquire knowledge for the assessment of the nature and extent of pollution, exposure to it, and its pathways, risks and remedies. Efforts to strengthen international action to protect the oceans from the impacts of land-based pollution and other human-induced threats have been hampered by the fact that information on the state of the marine environment is not readily accessible to policy makers. Information is fragmented, and coherence and comparability are lacking. That lack of overview is particularly evident when it comes to information on the socio-economic consequences of the degradation of the marine environment.

Regular assessments of the state of the marine environment, including socio-economic aspects, are needed as a basis for decision-making. Iceland, supported by a broad range of other nations, has called for action to meet that need. The draft omnibus resolution of the General Assembly (A/57/L.48) would establish by 2004 a regular process under the United Nations for the global reporting and assessment of the state of the marine environment, including socio-economic aspects. We support that decision. As is clear from the preamble of the draft resolution, the decision has its legal basis in article 200 of the Convention and its political basis in the recommendation of the World Summit on Sustainable Development to that effect.

I would like to express the general satisfaction of the Government of Iceland with the outcome of the World Summit in Johannesburg with regard to oceans issues. We are especially pleased that matters of special interest to Iceland were brought into the Plan of Implementation. Those include recognition of the ecosystem approach, with reference to the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem; provisions on the removal of fisheries subsidies; and recognition of the important role of international financial institutions in assisting developing countries in building their own sustainable fisheries.

We have come a long way since that period when Iceland was engaged in serious disputes with its neighbouring countries on the utilization of its living marine resources. On this twentieth anniversary of the United Nations Convention on the Law of the Sea, we pay tribute to the framers of the Convention, which laid disputes of this nature to rest and established an equitable international regime for the oceans based on the rule of law.

The Acting President: I call on the representative of Fiji, speaking on behalf of the Pacific Islands Forum.

Mr. Naidu (Fiji): It is an honour for me to deliver this statement on behalf of the members of the Pacific Islands Forum, namely, Australia, the Federated States of Micronesia, Kiribati, the Marshall Islands, Nauru, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and my own country, Fiji. Exactly 20 years ago today, on 10 December 1982, Fiji became the first ratifying State of the United Nations Convention on the Law of the Sea (UNCLOS), signalling to the international community the significance of this Convention to island States in our region.

Our group has stated on numerous occasions just how important this agenda item is to us. A common thread binds the geographic diversity within our group. It is, of course, the Pacific Ocean. When one considers that our collective thread of exclusive economic zones amounts to more than 30 million square kilometres of that ocean, that puts into context the magnitude of our responsibility. Indeed, it is this very collective responsibility that makes up the fabric of our group's

common endeavour to ensure the health and well-being of our ocean and its resources.

Our group has continued to demonstrate its commitment to the principles and goals of the Convention and more generally to oceans and seas issues in various forums over this past year. We continue to value the critical work and the decisions of Meetings of States Parties to UNCLOS, the International Seabed Authority and the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS), to name a few. Members within our group have sought to remain active in every oceans and law of the sea endeavour on the United Nations agenda. Like others, we also very much celebrate the important milestone represented by the twentieth anniversary of the opening for signature of UNCLOS.

We welcome, in particular, those Member States that have used the occasion to become a party, including one member of the Pacific Islands Forum, Tuvalu. We also warmly welcome and recall the contributions of the personalities from our region closely associated with the Convention and its continuing evolution, such as Ambassador Satya Nandan and Ambassador Neroni Slade.

We welcome the Secretary-General's initiative in April 2002 in the context of the World Summit on Sustainable Development (WSSD) to encourage States to reaffirm their commitment to the principles of sustainable development, as reflected in Agenda 21 and a framework of carefully negotiated multilateral treaties.

To assist States, the Secretary-General helpfully identified a list of 25 core treaties representative of the spirit and goals of those principles. We were particularly happy to find, among those core treaties, three that were related to oceans and form the fabric of the international legal framework — the Convention, the Agreement on the Implementation of Part XI of the Convention and the 1995 United Nations Fish Stocks Agreement.

In our view, no treaty is more central to the spirit and goals of the Charter than the Convention, providing, as it does, a legal order for nearly three quarters of the earth's surface, and settling all issues relating to the law of the sea, including issues of peace and security, conservation and management of resources and the study and protection of the marine environment in a balanced and integrated manner. When considered together with the other two international instruments, it forms a formidable matrix.

We are pleased that the 1995 United Nations Fish Stocks Agreement has entered into force and welcome the informal meeting of States parties that took place in July. We look forward to the continuing work required of such meetings in the future.

Within this context, we continue to welcome the preparations for giving effect to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, the constructive participation of all interested States, and the decisions of the latest Preparatory Committee meeting last month in Manila, which included a decision on the location of the Commission in the Federated States of Micronesia. This Convention is a testament to the inextricable link between the Agreement and our regional commitment to conserving and sustainably managing a critically important resource.

As such, we continue to urge the distant water fishing nations and entities with a real fisheries interest in our region to make every effort to become a party to this Convention. The Convention is part of our vision to promote regional cooperation and coordination on fisheries issues, as realized by the establishment in 1979 of the Forum Fisheries Agency, which in its constitutive instrument foresaw the need for additional mechanisms, such as the Convention. In addition to these developments, many within our group have, during that time, concluded valuable multilateral fishery agreements with the United States, of which there have now been three.

As many within our group are developing ocean States, we are encouraged by the commitments from the Johannesburg Summit as contained in the Plan of Implementation, particularly those relating to fish stocks and fishing practices. Implementing these time bound commitments requires responsibility and good faith from all parties, so as to ensure that the coastal States, like the developing ocean States within our group, obtain their fair share of its most vast and bountiful resource.

At the annual meeting of the Pacific Island Forum Leaders held in Suva in August 2002, our region, by its Suva Communiqué (A/57/331), approved a first ever regional oceans policy that elaborates some guiding

principles that should serve as a template for the States in our group to consider developing national ocean policies that strengthen coordination and complementarity in our ocean-related activities. We are pleased that regional activity, such as this one, has been noted in the omnibus resolution.

As sponsors of the resolutions to be adopted under today's agenda item, we have participated actively in the informal consultations on all of them. We wish to register our sincere gratitude to Brazil, Malta and the United States as the coordinators of these resolutions, as well as the Division for Ocean Affairs and the Law of the Sea, for their unwavering efforts in facilitating this important work. In addition, we commend Ambassador MacKay of New Zealand for his leadership this year in his capacity as President of the UNCLOS Meeting of States Parties, including in the preparations for this commemorative oceans event.

As we have indicated in previous statements, the Pacific Group considers this annual review by the General Assembly of developments with respect to oceans and the law of the sea to be critically important, as the General Assembly remains the only body within the United Nations system that can harness all the complex and interrelated aspects and activities. While we are ever thankful to the Secretary-General for his annual comprehensive report and continue to see it as pivotal to the proper exercise of the General Assembly's responsibilities, we hope this reporting capacity continues to be strengthened. Our Group is most satisfied with the developments that have taken place over the last year to facilitate this annual review and enhance the General Assembly's overview of this important subject matter. In this respect, we are particularly pleased that the UNICPOLOS process will continue for another three-year term which, in turn, will contribute to more focused and substantive resolutions.

Each year, members of the Pacific Islands Forum have again endeavoured to co-sponsor all oceans-related resolutions and have negotiated as a group, always in the hope of concluding consensus resolutions. The recent trend on voting on the omnibus draft resolution is regrettable, particularly so on this occasion of the commemorative twentieth anniversary of the Law of the Sea Convention's opening for signature and as it gains the confidence of an increasing number of United Nations Members. Despite that, we commend for delegations' support draft resolutions A/57/L.48, A/57/L.49 and A/57/L.50.

Mr. Fife (Norway): Norway is a sponsor of all three draft resolutions submitted this year under the agenda item entitled "Oceans and the law of the sea". We have now celebrated the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. We also pay tribute here today to the negotiators who, during the Third United Nations Conference on the Law of the Sea, spearheaded this momentous breakthrough in the development of the international legal order. We regret that Minister Jens Evensen, who played such a key role in the negotiations, was prevented from coming to this session for health reasons. Nevertheless, we salute the presence among us here of Ambassador Helge Vindenes and other eminent personalities, without whose tireless efforts this essential building block of the international legal order would not have been put in place in 1992.

Mention should also be made of the tenth anniversary of the adoption of Agenda 21 and its programme of action on oceans and seas contained in its chapter 17. There is little doubt that the legal regime established by the Convention has attained almost universal acceptance. Nevertheless, some States, including, in particular, 30 coastal States in different parts of the world, are not yet parties to the Convention. Therefore, we must once again stress the importance of increasing the number of States parties both to the Convention and to the Agreement relating to the implementation of Part XI, in order to achieve the goal of universal participation.

The Convention sets out the comprehensive legal framework for all ocean activities and developments and, in doing so, contributes to the maintenance of peace, justice and progress for all the peoples of the world, as is stated in the preamble to the Convention.

First, undoubtedly, the Convention continues to be of fundamental importance for the maintenance of international peace and security. The tragic events of 11 September 2001 and subsequent security threats have made it necessary to carefully examine international instruments and mechanisms aimed at ensuring safety at sea. Preventing shipping from becoming a tool for terrorists is a crucial element of this process which, to a large extent, falls within the scope of the work of the International Maritime

Organization. Enhanced State port control, as well as the establishment of more effective mechanisms to increase maritime safety and security, are not only appropriate but also required by the present circumstances.

The diplomatic conference on the revision of the International Convention for the Safety of Life at Sea, currently taking place in London, will, hopefully, adopt new regulations regarding some of those aspects. The proposed international ship and port facilities security code, which is designed to provide a standardized and consistent framework for evaluating risk, enabling Governments to determine the appropriate responses to the level of threat and vulnerability which exists, will be an important achievement.

My Government is particularly pleased to see that another legal instrument is being added to the basic framework for the rule of law in the oceans with the 1995 United Nations Agreement for the Implementation of the Provisions of the Convention relating to Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which entered into force at the end of last year.

The implementation of the provision in part VII of the Fish Stocks Agreement relating to special assistance to developing States is fundamental to the successful implementation of the agreement as a whole. However, successful implementation also requires that more developing States become parties to the agreement.

Norway supports the inclusion of fisheries components in the work of the African process for the protection and development of the marine and coastal environment, which is mentioned in this year's resolution on the United Nations Fish Stocks Agreement.

This body, the United Nations General Assembly, has a role to play in advising and guiding competent organizations and specialized agencies and regional organizations on sustainable fisheries issues, in particular, illegal, unreported and unregulated fishing, which is still a serious problem in many parts of the world. We are deeply concerned about the threat to the Patagonian toothfish. We support the measures recently taken at the twenty-first meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and its Scientific Committee aimed at addressing the problem of the illegal, unreported and unregulated fishing of toothfish in the Convention area nearby.

In this connection, we would like to stress that the management of living marine resources should be handled primarily by the relevant resource management organization, such as CCAMLR, which is tailor-made to undertake exactly such a task.

The role of developing countries in maintaining the UNCLOS regime and fulfilling its potential must not be underestimated and is perhaps one of the most important political features of the Convention today. The cooperation of the developing countries was essential during negotiations. It continues to be very important that those States regard the Convention as furthering their interests. Developing countries, in particular the least developed countries and small island developing States, are finding, however, that they have limited capacity, scarce resources and inadequate means of implementation. That applies not only to current issues, such as the outer delimitation of the continental shelf beyond 200 nautical miles, but also, and not least, to control, monitoring and surveillance assistance to be employed within zones of national jurisdiction as part of an integrated fisheries management regime. That has now been duly recognized.

There seems to be widespread consensus in this body that capacity-building is a main challenge for the new law of the sea. There is a growing realization of the need for States that have a continental shelf that extends beyond 200 miles to devote sufficient national resources to carry out the preparatory work needed for the submission of information to the Commission on the Limits of the Continental Shelf. The Commission has begun to consider the first submission by a coastal State this year. It is crucial that the Commission be able to continue to fulfil its tasks, in accordance with UNCLOS, based on integrity and objectivity and on the support of its work by all States. We are somewhat concerned about the fact that not all members of the Commission are able to come to New York to attend Commission meetings. The Secretary-General was requested by this body to establish a voluntary trust fund to defray the cost of participation in the meetings of the Commission of the developing States members. Norway is happy to confirm that we recently contributed $67,000 to that fund, and we encourage other States to make similar contributions.

Moreover, Norway has put forward a proposal calling on the United Nations Environment Programme (UNEP), working within the Global Resource Information Database (GRID) system for data and information management, to expand on a voluntary basis the capacity of GRID centres to store and handle research data from the outer continental margin with a view to serving the needs of coastal States, in particular developing countries and small island developing States, in compliance with article 76 of the Convention. This proposal comes in addition to the voluntary trust fund that was established two years ago to provide training and technical and scientific advice, as well as personnel, to assist developing States in complying with article 76 of the Convention. Norway contributed $1 million to the trust fund and is very pleased to see that additional contributions have been announced and have been made by Ireland this year.

Despite efforts to provide education and training, insufficient local capacity remains a major barrier to full implementation of UNCLOS. Norway supported a proposal made by Ukraine to request the Secretary-General to compile a web directory of sources of training, advice, expertise and technological services that can contribute to assist in the preparation of submissions to the Commission. It is a directory that will assist States in making use of the voluntary trust fund for article 76 purposes, as well as provide information about the outline of a five-day training course prepared by the Commission in order to facilitate the preparation of submissions.

The United Nations Convention on the Law of the Sea has been called the strongest comprehensive environmental treaty now in existence. The Convention serves as a unifying framework for a growing number of more detailed international agreements on marine environmental protection and the utilization, conservation and management of marine resources. Norway welcomes the decision to establish a regular process for global reporting and assessment by States of the marine environment. However, in following up that proposal, it is important to build on the work already undertaken by UNEP, instead of establishing new mechanisms or alternative communication channels.

Land-based sources are responsible for 80 per cent of the pollution of the oceans and affect the most productive areas of the marine environment. In developing countries, more than 90 per cent of wastewater and 70 per cent of industrial wastes are discharged into coastal waters without any treatment. That is cause for concern. As last year's Montreal review of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) demonstrated, the GPA still suffers from poor implementation. States also make wide use of the treaty-based rights to express reservations with respect to binding obligations on land-based pollution. Part XII of the Convention advocates a more ambitious agenda for protecting important global commerce in order to stop dangerous trends before they become irreversible problems.

Recent environmental disasters, such as the pollution caused by the oil tanker *Prestige* off the coast of Spain and Portugal, are shocking reminders of a constant need to strengthen safety and security regulations, especially for vessels carrying cargo that pose a major risk to the environment. The possibility of new international transport routes for radioactive material and waste is another major concern. Norway has for many years advocated strengthening international regulations on the transport of radioactive materials by sea, as well as strict liability rules for such activities.

Another matter of concern is the introduction of new and alien species into our coastal ecosystems over the past few years. That is another area that calls for a precautionary approach. We need to accelerate the development of measures to address invasive alien species, inter alia, from ballast water. The International Maritime Organization (IMO) must therefore be urged to finalize the IMO International Convention for the Control and Management of Ships' Ballast Water and Sediments.

Norway supports the continuation for another three years of the Informal Consultative Process to facilitate the General Assembly's annual review of ocean affairs and law of the sea. We also support the establishment of an inter-agency coordination mechanism on oceans and coastal issues within the United Nations system, as recommended by the World Summit on Sustainable Development. Such a mechanism should, where feasible, build on existing structures and mechanisms and establish good working and operational relations with the Division for Ocean Affairs and the Law of the Sea, within the Office of Legal Affairs of the Secretariat.

All three of the institutions established through the Convention are now operational and engaged in fulfilling their tasks. We would also like to point out the fact that the International Court of Justice continues to make an essential contribution to the clarification of crucial law of the sea issues, including, notably, in the field of maritime delimitation. In its recent judgment of 10 October 2002, on the land maritime boundary case between Cameroon and Nigeria, the Court confirmed the applicable criteria, principles and rules of delimitation, when a line covering several zones of coincident jurisdiction is to be determined.

Finally, we would like to pay tribute to the excellent work carried out by the United Nations Secretariat, including the Division for Ocean Affairs and the Law of the Sea, which has been essential in focusing on the progress achieved in the last 20 years since the Convention was opened for signature and staking out some main directions for the future.

Mr. Valencia Rodríguez (Ecuador) (*spoke in Spanish*): I wish to take the opportunity of this solemn occasion to inform the General Assembly, as we commemorate the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS), that the Government of Ecuador, mindful of the fundamental importance of this instrument as the sole universal legal regime regulating all aspects of marine and ocean spaces, has decided that Ecuador should accede to the Convention.

The considerable progress that has been made in the law of the sea since 1982 has convinced us that the issues that initially impeded Ecuador's becoming a party to the Convention have now been largely overcome. There have been advances in areas including the application and consolidation of the new law of the sea by the international community, now that 75 per cent of Member States are parties to the Convention; the signing and entry into force of the Agreement relating to the implementation of Part XI of the Convention, the Agreement on straddling fish stocks and highly migratory fish stocks, the Framework Agreement for the Conservation of Living Marine Resources on the High Seas of the South-East Pacific — the Galapagos Agreement; and the adoption of domestic legislation in keeping with the Convention and the aforementioned agreements. In addition, the advantages that the Convention entails for our country are, without question, greater and more meaningful than any drawback that they may involve.

For small developing countries lacking internationally influential machinery or instruments, adherence to and compliance with the law are the best guarantee of the protection of their vital interests. I wish also to recall that Ecuador, as an original member of the historic Santiago Declaration of 1952, the keystone of the transformation of the law of the sea, participated actively and constantly throughout the negotiating process for the Convention throughout the Third United Nations Conference on the Law of the Sea — and even before that in the work of the Preparatory Commission. Accordingly, accession to the Convention will be the culmination of this lengthy endeavour to consolidate and reaffirm the Convention and of the significant progress made in this important field of international cooperation.

The Government of Ecuador, on 19 July 2002, therefore enacted an executive decree aimed at establishing an agency known as the National Commission on the Law of the Sea, which reports to the presidency of the Republic and whose chief purpose is to facilitate Ecuador's accession to the Convention. For this purpose, the Commission has undertaken studies designed to derive the greatest possible benefit from its provisions, to promote its dissemination and to provide advice to the various branches of the State concerning the advantages for Ecuador of accession. The Commission is made up of the Ministers or Deputy Ministers of Foreign Relations, Defence, External Trade and Environment, the Chairman of the International Affairs Committee of the Congress and a representative of the National Council of Universities and Polytechnical Colleges. The Commission, which I am honoured to chair, also has an executive secretary and a technical secretary. It began its work on 29 August 2002, and since then it has been fully operational and active.

As a result of its efforts, the President of the Republic addressed the national Congress on 17 October 2002 to call for approval of the Convention. This is, constitutionally speaking, a prerequisite for accession. As a result, the matter is now being considered by the legislative branch, and we hope that approval will be forthcoming shortly.

I wish, therefore, to announce that, as soon as this legislative acceptance is secured, the Government of Ecuador will proceed to formalize its accession to the United Nations Convention on the Law of the Sea.

Mr. Andrianarivelo-Razafy (Madagascar) (*spoke in French*): On behalf of the Madagascar delegation, I would like to convey our gratitude to the President of the General Assembly for having organized, jointly with the Division of Ocean Affairs and the Law of the Sea, this commemoration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS). That was a decisive step taken by the international community on 10 December 1982 at Montego Bay, Jamaica.

Like previous speakers, my delegation would like to take this opportunity to pay tribute to those who worked tirelessly during the negotiations on this Convention, leading us to its adoption at the Third United Nations Conference on the Law of the Sea, as one of the most important legal instruments of the twentieth century governing the oceans. We would like to warmly congratulate the Secretary-General for his relevant report on oceans and the law of the sea (A/57/57), which has highlighted the major advances made in the area of maritime affairs 20 years after the adoption of the Convention. We hope to see universal accession to the Convention in the very near future.

This year, 2002, marks an important stage for oceans and the law of the sea, not only because it affords us an excellent opportunity to note the attainment of objectives in this area, but also because it reminds us of the importance of the oceans as a vital economic resource and of the crucial role they play in terms of security, international cooperation and sustainable development. In fact, over the past two decades, three major Convention bodies have been established. We welcome their effective operation, and we wish them complete success in their work.

The United Nations Convention on the Law of the Sea is a global, legal framework for all activities related to oceans and seas, as its provisions set out the rights and obligations of each State with respect to protecting and preserving the marine environment, including measures which are essential to fight marine pollution. Indeed, vessel pollution has for a number of years been a major concern for the international community. Past and recent experience shows once again the scope and gravity of disasters caused and the damage done by pollution of the marine environment.

Madagascar stresses the urgency of taking appropriate measures to preserve the marine environment from such disasters. As an island State, Madagascar has not been spared from these disasters over the past 10 years. Accidents at sea, destroying coastal aquatic fauna and flora, have unfortunately occurred, which speaks to the pressing need to strengthen international cooperation more than ever before in this area and to do it in conformity with the United Nations Convention on the Law of the Sea.

In that context, we are encouraged by the growing number of international agreements on the protection of the marine environment. One of the most important, in chapter 17 of Agenda 21, negotiated in 1992 at the Rio Summit, contains a programme of action to protect oceans and all seas. However, given the problems threatening the marine environment and requiring integrated resource management, as well as non-polluting economic development, the international community deemed it necessary to re-examine the question during the Johannesburg Summit.

Therefore, we note with satisfaction the adoption at that World Summit of the Plan of Implementation to provide at all levels for the sustainable development of oceans, including sustainable fisheries harvest, promoting conservation and oceans management, improving maritime safety and the protection of the marine environment from pollution, and the improvement and scientific assessment of marine and coastal ecosystems as an essential basis for rational decision-making.

In fact, for Madagascar, the coastal zones are at present the platform for a variety of problems. Often by ignorance, fishermen and ocean product merchants are ever more rapidly destroying marine and coastal ecosystems, which now seem to have a very uncertain future unless great efforts are quickly made to do a better job managing and preserving them.

Therefore, an international conference on responsible shrimp farming was recently held in Antananarivo from 3 to 5 December 2002, with the help of international experts and the Madagascar Group of Aquaculturists and Shrimp Farmers. The objective was to present the rapid development of the shrimp fisheries in Madagascar, one of the best performing sectors in the Indian Ocean, and to enable a better understanding of the compatibility of aquaculture with the environment. It was also an opportunity to consider worldwide experience in that area, particularly teaching available from Asia.

Madagascar is an island whose survival and economy depend largely on the protection, management and sustainable harvest of the sea and its resources. Consequently, it has participated actively in negotiations on the United Nations Convention on the Law of the Sea. Therefore, it is truly a pleasure that today we have submitted to the Division of Ocean Affairs and the Law of the Sea a gift commemorating our participation in this work from His Excellency Ambassador Blaise Rabetafika, who led the delegation of Madagascar from the beginning of the Third United Nations Conference on the Law of the Sea until 1982.

Madagascar is the quintessential fishing nation, with five endemic species. Madagascar welcomes the entry into force on 11 December 2001 of the Agreement on straddling fish stocks and highly migratory fish stocks. We are planning to join that Agreement in the near future. Madagascar welcomed the results of the informal meetings of the States Parties to that accord held in New York in July 2002. Those meetings provided for in-depth consideration of part VII of the Agreement, which led to a series of recommendations aimed at facilitating implementation of the provisions of that part and to supplement existing bilateral, regional and global programmes; and at establishing a special trust fund to allow developing countries to participate in those meetings.

In addition, as a member of the Indian Ocean Tuna Commission, Madagascar hosted in September 2001 an intergovernmental meeting to set up a South-West Indian Ocean Fisheries Commission, according to the objective called for in chapter 17 of Agenda 21, to promote conservation, rational management and effective utilization of species other than tuna species. That Commission cooperates closely with other international organizations in areas of mutual interest, in particular with organizations active in the area, especially the Indian Ocean Tuna Commission, the Southern African Development Community, the Indian Ocean Commission and the Common Market of Eastern and Southern Africa.

In that same context, in cooperation with the Food and Agriculture Organization of the United Nations, Madagascar established in May 2001 a project entitled "Project Téléfood Ambatondrazaka", which trains women of the region to improve the quality and conservability of fish, through curing and drying, and to expand their commercial activities.

As for prospects, Madagascar is exploring the idea of creating a network to monitor the aquatic environment, in particular with respect to biotoxins, which are a source of poisoning through the consumption of marine species, along with the ECOTOX network, which involves various health, research and laboratory analysis services.

Madagascar is the fourth largest island in the world, with 5,603 kilometres of coastline and an exclusive economic zone of 1.2 million square kilometres. Madagascar has ongoing environmental problems such as wind-blown sand dunes, coastal sea erosion, cyclones and flooding.

We are deeply concerned by the increase of criminal activities, such as acts of terrorism, high seas piracy, illicit drug traffic and illegal fishing. In 2002, Madagascar has acquired more rational means to do a better job of monitoring its coastline. We wish to express once again our sincere thanks to our developmental partners for their very useful assistance in this area.

It is undeniable that tremendous and significant progress has been made over the past 20 years. However, the wealth, as well as the fragility, of the coastal and marine environment must be better understood and respected.

Special attention should be paid to the vital importance of oceans for development and poverty reduction, particularly for developing countries and island States, as their economies are vulnerable and lack capacity and technical expertise.

Finally, Madagascar hopes that the historic nature of this session for the United Nations Convention on the Law of the Sea will be able to breathe new energy into strengthening international cooperation in order to fully achieve the objectives of this most important legal instrument, of which we can all be proud.

The meeting rose at 12.50 p.m.